

REMARKS

In the above-noted Official Action, claims 1-22 were rejected under 35 U.S.C. §103(a) over SUMAR (U.S. Patent No. 5,838,768) in view of ELFE (U.S. Patent No. 6,445,782), and further in view of MIOSLAVSKY (U.S. Patent No. 5,915,012, referenced as "MIOSLAVSKY I"), and further in view of MIOSLAVSKY (U.S. Patent No. 5,915,011, referenced as "MIOSLAVSKY II").

Applicant traverses the above-noted rejection of claims 1-22. In this regard, Applicant respectfully submits that SUMAR, ELFE, MIOSLAVSKY I and MIOSLAVSKY II do not disclose, suggest or render obvious the combination of features recited in Applicant's claims, whether these references are considered alone or in any proper combination.

Applicant's claim 1 is directed to a "first intelligent peripheral" that includes "a receiver that receives a call from the calling party... a determiner that determines whether to contact a second intelligent peripheral based on... interaction with the calling party... and a call initiator that establishes a call connection with the second intelligent peripheral so that the second intelligent peripheral interacts with at least one of the calling party and the first intelligent peripheral to provide the telecommunications service".

In contrast to the invention recited in claim 1, SUMAR discloses that a first IP 911 receives an initial call from a calling party who leaves a message. However, SUMAR

does not disclose that the IP 911 "determines whether to contact a second intelligent peripheral based on... interaction with the calling party"; rather, SUMAR discloses that a second IP 912 acts at the direction of a service control point (SCP). Further, SUMAR does not disclose that the IP 911 "establishes a call connection with the second intelligent peripheral"; rather, SUMAR discloses that the IP 912 is instructed by the SCP to "fetch" the message from the IP 911 over a data network. For example, SUMAR discloses, at col. 12, lines 44-51, that a service control point instructs/orders a conversion IP 912 to fetch the message from the receiving IP 911 over the data network backbone 910. Accordingly, there is no intelligent peripheral in SUMAR with the combination of characteristics recited in claim 1.

SUMAR discloses that an IP 912 fetches a message from an IP 911. However, claim 1 does not recite a first intelligent peripheral that processes a call and a second intelligent peripheral that fetches call data from the first intelligent peripheral over a data backbone, as disclosed by SUMAR. Rather, as noted above, claim 1 recites an intelligent peripheral that "determines whether to contact a second intelligent peripheral based on the interaction with the calling party... and... establishes a call connection with the second intelligent peripheral".

The outstanding Official Action acknowledges, at page 3, that "Sumar et al. does not teach... an IP having the determiner functionality nor the initiator functionality to

contact a second IP". Nevertheless, the Official Action asserts, without any proper justification that "the functionality of the claimed invention is still taught by Sumar et al. and it would have been obvious for one of ordinary skill in the art at the time of the invention was made to have given a first IP 911 the determiner and initiator functionalities without going through an intermediate SCP 901 element".

In this regard, the Official Action also asserts, at page 3, that "the end result... is exactly the same". Applicant respectfully submits that the reasoning of the outstanding Official Action is entirely inappropriate and unsupported as a matter of law. The analysis of whether a claimed feature is disclosed, suggested or rendered obvious is not whether "the end result... is exactly the same", and the above-noted statement in the Official Action is both improper, incorrect and irrelevant to the analysis required under 35 U.S.C. §103(a). Further, even the end result in SUMAR is not "exactly the same", as no IP in SUMAR "determines whether to contact a second intelligent peripheral", and no IP in SUMAR "establishes a call connection" with another IP. Rather, the IPs in SUMAR fetch messages over the data backbone 910 at the direction of an SCP.

Accordingly, Applicant respectfully submits that the IP network described at FIGs. 9-21 and columns 12-18 of SUMAR does not disclose the invention recited in claim 1. Furthermore, Applicant respectfully submits that SUMAR does not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted

features recited in claim 1.

Applicant further submits that there is no proper motivation to modify SUMAR to obtain the combination of features recited in claim 1. In particular, there is no proper motivation to modify an IP in SUMAR to independently possess its own logic for determining when to fetch and translate a message, as the coordination of the IP network by an SCP in SUMAR is a central teaching thereof. Further, there is no motivation to modify SUMAR so that an IP establishes a call connection with another IP, particularly insofar as there is no teaching of any need in SUMAR for interaction between IPs other than the fetching of data over the data backbone 910.

The modifications to SUMAR required to obtain the invention recited in claim 1 would eliminate the purpose of the backbone 910 and the SCP 931 in FIG. 9 of SUMAR, which would destroy the intended teachings of SUMAR. Accordingly, Applicant submits that there is no proper motivation in any reference to modify SUMAR to obtain the invention recited in claim 1; rather, the only motivation to modify SUMAR to obtain the invention recited in claim 1 is the Examiner's improper motivation to obtain Applicant's claimed invention in hindsight.

Further, it appears that ELFE is applied as a secondary reference only to show that "it is... known in the telephony arts to move elements and their functionality around within a system to meet various design preferences". Applicant submits that this

statement is a gross mischaracterization of the law regarding anticipation and obviousness, whether in the context of "the telephony arts" or any other field. In this regard, it appears the Official Action is based on the belief that a general motivation exists to combine isolated teachings of any reference, so long as such teachings are in "the telephony arts". Applicant submits that this is an improper interpretation and application of the law.

Applicant therefore requests, if the rejection of claim 1 is maintained over SUMAR and any other reference, that the Examiner provide a specific motivation to modify SUMAR in the manner necessary to obtain the invention recited in claim 1.

Further, Applicant submits that even if taken as true, the above-noted assertion does not provide a motivation or ability to eliminate features in SUMAR such as the SCP 901 or the data backbone 910 shown in FIG. 9. However, these features of SUMAR would be rendered moot according to the modifications proposed by the Examiner. Accordingly, Applicant submits that the proposed combination of SUMAR with ELFE does not render obvious the above-noted features of Applicant's pending claims.

Applicant notes that MIOSLAVSKY I and MIOSLAVSKY II also do not disclose, suggest or render obvious the above-noted features recited in claim 1 which are not disclosed, suggested or rendered obvious by the combination of SUMAR and ELFE. In this regard, MIOSLAVSKY I and MIOSLAVSKY II are directed to call routing.

MIOSLAVSKY II includes a teaching that calls can be redirected from one call center agent to another. However, Applicant's claim 1 does not recite transferring a call from one call center (or agent) to another call center (or agent). Rather, claim 1 of the present application recites "a determiner that determines whether to contact a second intelligent peripheral based on the interaction with the calling party... and a call initiator that establishes a call connection with the second intelligent peripheral". In contrast, the teachings of MIOSLAVSKY I and MIOSLAVSKY II which are applied in the outstanding Official Action are directed to a human agent that determines whether to transfer a call, and not to the claimed intelligent peripheral.

In other words, merely putting the IPs of SUMAR (i.e., IP 911, IP 912 and IP 913) in a call center such as in MIOSLAVSKY, and even allowing calls to be transferred between such IPs 911, 912 and 913, would still not result in the invention recited in claim 1. Rather, such IPs would still be centrally controlled, and thus not include "a determiner that determines whether to contact a second intelligent peripheral based on the interaction with the calling party". Further, transferring calls between various agents or IPs is not the same as a first intelligent peripheral establishing "a call connection with the second intelligent peripheral".

In any case, the outstanding Official Action does not assert with any particularity how the transferring of calls in MIOSLAVSKY (I or II) would in any way teach an

intelligent peripheral that "determines whether to contact a second intelligent peripheral based on... interaction with the calling party" or that "establishes a call connection with the second intelligent peripheral". In this regard, even the cited portion of MIOSLAVSKY II (i.e., U.S. Patent No. 5,915,011) at col. 6, lines 7-14, explicitly discloses that an "Intelligent Peripheral 102 is provided coupled to SCP 101", which is similar to the configuration of SUMAR. Further, the outstanding Official Action does not assert with any particularity how any teaching of either MIOSLAVSKY (I or II) could be interpreted as a first intelligent peripheral that "establishes a call connection with the second intelligent peripheral".

Accordingly, Applicant respectfully submits that even the proposed combination of SUMAR, ELFE, MIOSLAVSKY I and MIOSLAVSKY II does not disclose, suggest or render obvious the invention recited in claim 1. In particular, even the modification of SUMAR with the teachings of the remaining references simply would not result in the invention recited in claim 1; nor is there any proper motivation to modify SUMAR to obtain the invention recited in claim 1. Accordingly, Applicant submits that claim 1 is allowable over the proposed combination of references applied in the outstanding Official Action. Applicant further submits that the proposed combination of references also do not disclose or suggest at least the features of independent claims 6, 7, 14 and 19 that are similar to the above-noted features recited in claim 1.

Applicant further submits that claims 2-5, 8-13, 15-18 and 20-22 are allowable over the proposed combination of SUMAR, ELFE, MIOSLAVSKY I and MIOSLAVSKY II, at least for depending, directly or in indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Applicant further requests, if the rejection of claims 1-22 over SUMAR and any other reference is maintained, that the Examiner specifically acknowledge which shortcomings of SUMAR require modification, and identify with particularity the teachings in any applied reference that show motivation and ability to perform such modification. In the absence of such teachings, Applicant respectfully submits that each of the claims of the present application is allowable over the combination of references applied in the outstanding Official Action. Applicant particularly requests that the Examiner identify any teaching in a reference of an intelligent peripheral that independently "determines whether to contact a second intelligent peripheral" and any teaching in a reference of an intelligent peripheral that "establishes a call connection with [another] intelligent peripheral". In the absence of the requested teachings in any reference, Applicant respectfully submits that the rejection of claims 1-22 is inappropriate and should be withdrawn.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance, and believes that he has now done so. Applicant has discussed the features recited in Applicant's claims, and has shown how the combination of features recited in Applicant's claims are not taught, disclosed nor rendered obvious by the references cited by the Examiner. Accordingly, reconsideration and withdrawal of the outstanding rejection, as well as an indication of the allowance of each of the pending claims, is respectfully requested.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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